

THE BOARD OF EXAMINERS OF PSYCHOLOGY MINUTES

November 3, 2003

A regular meeting of the Board of Examiners of Psychology was held at the Division of Occupations, 911 Leawood Drive, Frankfort, Kentucky on November 3, 2003.

MEMBERS PRESENT

Tracy Dwight Eells, Ph.D., Chair
Courtney N. Spear, M.A., Vice Chair
S. Abby Shapiro, Ph.D.
Andrew B. Jones, Jr., Ph.D.
Richard Applegate, M.A.
Henry S. Davis, Ph.D.
Ruth Bauman
Lea Jean Perritt, Ph.D.
Diane Sobel, Ph.D.

OCCUPATIONS & PROFESSIONS STAFF

Nancy L. Black, Executive Director
Wendy Satterly, Board Administrator

OTHERS PRESENT

Mark Brengelman, Assistant Attorney General

MEMBERS ABSENT

None

CALL TO ORDER

Tracy Dwight Eells, Ph.D., Chair called the meeting to order at 10:15 a.m.

MINUTES

The minutes of the October 23, 2003, meeting, were called to the attention of the members. A motion was made by Dr. Jones to approve the minutes, as presented. Motion, seconded by Dr. Sobel, carried.

FINANCIAL STATEMENT

The Board reviewed the financial statement indicating a balance of \$87,483.16 as of October 31, 2003. A motion was made by Mr. Applegate to accept the financial statement. Motion, seconded by Dr. Shapiro, carried.

COMPLAINTS

Case 03-06 - A motion was made by Dr. Shapiro to send a Cease and Desist letter to the individual indicating that the individual is not to perform psychological tests. Motion, seconded by Dr. Jones, carried. Drs. Eells and Davis, recused from voting on the motion.

Case 03-23 - The Board reviewed an initiating complaint and response from a psychologist upon summary by the Complaint Screening Committee with the assistance of counsel. A motion was made by Dr. Shapiro to dismiss the complaint for lack of evidence to support a violation of the law and regulations, but include a sentence regarding the actions of the psychologist. Motion, seconded by Dr. Perritt, carried. Drs. Eells and Davis recused from voting on the motion.

Case 03-23-01 - The Board reviewed an initiating complaint and response from a psychologist upon summary by the Complaint Screening Committee with the assistance of counsel. A motion was made by Dr. Shapiro to dismiss the complaint for lack of evidence to support a violation of the law and regulations, but include a sentence regarding the actions of the psychologist. Motion, seconded by Dr. Perritt, carried. Drs. Eells and Davis recused from voting on the motion.

Case 03-25 - The Board reviewed an initiating complaint and response from a psychologist upon summary by the Complaint Screening Committee with the assistance of counsel. A motion was made by

Ms. Spear to open an investigation in this matter. Motion, seconded by Applegate, carried. Drs. Eells

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and Davis recused from voting on the motion.

The Board again reviewed correspondence from Bryant L. Welch, J.D., Ph.D., attorney for Todd Walker, Psy.D. regarding Dr. Walker's Settlement Agreement entered into with the Board upon summary by the Complaint Screening Committee with the assistance of counsel. A motion was made by Ms. Spear to send a letter to Dr. Welch stating that the Board declines to have the Settlement Agreement entered into by the Board and Dr. Walker set aside with a full evidentiary hearing before the Board and that Dr. Walker must comply with the Order of the Board. Motion, seconded by Dr. Sobel, carried. Dr. Eells and Davis recused from voting on the motion.

The Board again reviewed correspondence from Elmer C. Maggard, Ph.D., regarding his supervision as mandated per the Final Order of the Board, upon summary by the Complaint Screening Committee with the assistance of counsel. A motion was made by Ms. Sobel to deem Dr. Maggard's license as suspended effective November 3, 2003, for failure to comply with the Final Order, specifically, for failure to comply with the terms and conditions of required supervision, with an Order of the Board to Dr. Maggard giving notice of the effective date of this suspension. Motion, seconded by Dr. Shapiro, carried. Dr. Eells and Davis recused from voting on the motion.

COMMITTEE REPORTS

CONTINUING EDUCATION COMMITTEE CONTINUING EDUCATION COMMITTEE

Dr. Jones presented for the Board's review, correspondence from Rachael Spiller requesting that a special education conference given by the Boone County Schools count toward continuing education hours according to 201 KAR 26:175 Section 5(2)(a). The Board request that the Continuing Education Committee draft correspondence to Ms. Spiller notifying her that the Board does not recognize the Boone County Schools as meeting this requirement set forth in the above regulation.

EXAMINATION COMMITTEE

Dr. Shapiro presented for the Board's review, a written report from the Examination Committee meeting regarding possible changes in the oral examination.

SUPERVISION COMMITTEE

No report

CREDENTIALS REVIEW COMMITTEE

Ms. Spear informed the Board that she had not completed the draft of the revised licensure recommendation form and will have a copy for the Board to review at its next meeting to be held on Monday, December 2, 2003.

DISCIPLINED PSYCHOLOGISTS REPORT

The Board reviewed a Supervisory Report and Plans and Goals forms from Peggy Pack, supervisor for Todd F. Walker, Ph.D. The Board requested that staff return the Supervisory Report and Plans and Goals forms to Dr Pack for review with Dr. Walker and also for his signature on the forms and for return to Dr. Eells, Board Liaison in the matter.

EXPIRED LICENSURE/CERTIFICATE REPORT

No report

OLD BUSINESS

Ms. Spear presented for the Board's review a draft of the 2003 Fall Newsletter. After discussion and review, the Board asked that Ms. Spear incorporate the suggested changes to the newsletter and submit to the Board for review at its next meeting.

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Dr. Perritt informed the Board that she is finalizing the curriculum of the three supervision courses and is planning for a presentation of the courses.

Dr. Eells presented a proposal for revision of the Board's web page. Staff informed the Board that some of the suggested changes had been added to the site and others would be forthcoming, but that any changes involving modifications to the Division of Occupations and Professions database would need approval of Ms. Black and the Governor's Office of Technology. The Board agreed to pursue a set of changes aimed at improving the ease of use of the web page.

Dr. Eells presented a proposal for the process for election of Chair and Vice Chair of the Board (copy attached). The Board by consensus approved the proposal, as presented. Dr. Eells declared that nominations for the office of Chair and Vice Chair of the Board were now open.

NEW BUSINESS

A report was given from Board members who attended the ASPPB Annual Meeting of Delegates meeting. Mr. Applegate reported on the special events of the meeting, Dr. Perritt reported on the meetings regarding supervision, and Ms. Spear reported on the election of officers for ASPPB, including the selection of Kim R. Jonason, Ph.D., Kentucky license psychologist, as President Elect of ASPPB. The members informed the Board that a written report of their activities would be forthcoming.

Correspondence was reviewed by the Board from Karen Lenhoff, Ph.D. requesting guidance regarding a psychologist entering a physician's orders. A motion was made by Ms. Spear to correspond with Ms. Lenhoff notifying her that it is the Board's opinion that entering a medical order under the direction of a physician, as you described, falls outside the scope of the "practice of psychology" in Kentucky as defined in KRS 319.010(6), that it appears to be essentially a clerical task, but that it could also give the appearance of the unauthorized practice of medicine. Motion, seconded by Dr. Shapiro, carried. Dr. Eells agreed to draft correspondence to Dr. Lenhoff.

Correspondence was reviewed by the Board from Helen Goins, Ph.D./CADC regarding clarification as to whether administering 202A evaluations falls within the scope of her practice. A motion was made by Ms. Spear to correspond with Ms. Goins notifying her that it is the Board's opinion that an individual holding a temporary license in psychology at the doctoral level meets the criteria of a "qualified mental health professional" as defined under KAR 202A.001, which explicitly includes "a psychologist licensed at the doctoral level"; and further that 202A evaluations conducted by a temporarily licensed psychologist would need to be countersigned by the supervisor of record. Dr. Eells agreed to draft correspondence to Dr. Goins, with a copy to her supervisor of record.

Ms. Spear informed the Board that she had sent a proposal for a presentation at the Third International Congress on Licensure, Certification and Credentialing of Psychologists.

A motion was made by Ms. Bauman to approve payment of travel expenses and per diem compensation for eligible members in attendance at today's meeting. Motion, seconded by Dr. Sobel, carried.

The next scheduled Board meeting is to be held on Monday, December 1, 2003 at 10:00 a.m. at the Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky.

The meeting adjourned at 12:35 p.m.

Tary D. Eells

Approved

Proposal for Election of Officers
(Revised after 10/23/03 Board meeting)

1. Nominations for chair and vice chair will be accepted from when nominations are opened during the November board meeting until nominations are closed during the December board meeting. Nominations are made in writing to the Board administrator or during a Board meeting.
2. Upon receiving a written nomination, the Board administrator will contact the nominee and ask whether he or she accepts the nomination.
3. Election of officers shall be made by secret ballot at the Board's meeting held in the December prior to the year of service.
4. The Board administrator will prepare a ballot for the December election.
5. Prior to voting, all nominees shall have the opportunity to make a statement in support of their candidacy.
6. Winner shall be determined by a majority vote of those present at the election, eligible to vote and voting. A run-off election will be held if more than two candidates run for an office and the initial vote does not produce a majority vote in favor of one candidate.
7. Board members may be nominated for more than one office, but may serve in only one office.
8. All procedures regarding the election of Board officers shall be in accord with Kentucky Revised Statute 319 and its associated regulations.